

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
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DTV Consumer Education Initiative)	MB Docket No. 07-148 (FCC 07-128)
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**COMMENTS OF THE TELECOMMUNICATIONS
REGULATORY BOARD OF PUERTO RICO**

**TO THE HONORABLE FEDERAL
COMMUNICATIONS COMMISSION:**

COMES NOW, the Telecommunications Regulatory Board of Puerto Rico (“Board”), through the undersigned counsel, to submit its comments with respect to the Notice of Proposed Rule Making (“NPRM”) adopted by the Commission on July 21, 2007, in this proceeding about consumer education initiatives in the transition to digital television (“DTV”).

Congress established February 17, 2009, as the deadline for the end of full-power analog broadcasting and the effective transition to DTV. DTV will provide consumers with better quality television picture and sound, and make new services available through multicasting. In addition, such transition will make valuable spectrum available for public safety uses as well as expanded wireless competition and innovation.¹ The Commission has indicated that these innovations “are dependent upon widespread consumer understanding of the benefits and mechanics of the transition”.

The Commission recently received a letter from two U.S. Congressmen, in which they expressed interest in the “pace and scope of consumer education about the transition” and submitted specific actions that they believed the Commission should take.² They also recommended that the Commission “use its existing authority to compel

¹ See Digital Television Transition and Public Safety Act of 2005 (February 8, 2006).

² See Letter from the Honorable John D. Dingell, Chairman of the Committee on Energy and Commerce, and the Honorable Edward J. Markey, Chairman of the Subcommittee on Telecommunications and the

industry to contribute time and resources to a coordinated, national consumer education campaign". Based upon the aforementioned, the Commission is seeking public comment on the possibility of adopting rules requiring: A) television broadcasters to air periodic public service announcements, B) broadcast licensees to report their consumer education efforts, subject to civil penalties for noncompliance, C) multichannel video programming distributors ("MVPDs") to insert periodic notices in customer bills to inform consumers about the DTV transition and future viewing options, subject to civil penalties for noncompliance, D) consumer electronics manufacturers to include information with television receivers and related devices about the DTV transition, subject to civil penalties for noncompliance, E) consumer electronics retailers participating in the DTV Converter Box Coupon Program to be implemented by the National Telecommunications and Information Administration ("NTIA") of the U.S. Department of Commerce, to detail their employee training and consumer information plans, subject to spot inspections conducted by the Commission, F) partners identified on the Commission's DTV Web site to report their specific consumer outreach efforts, and G) other consumer education mechanisms, such as notice requirements by telecommunications carriers that receive funds under the Low Income Federal universal service program, or reporting requirements by 700 MHz auction winners.

In general, the least expensive alternative for household consumers who own analog televisions and receive over-the-air ("OTA") television broadcasts, from going black by the deadline of February 17, 2009, is to acquire and connect a digital-to-analog converter box to their TV sets. Because the transition to DTV is government-mandated, Congress has endowed the NTIA with the responsibility of implementing a subsidy program known as DTV Converter Box Coupon Program. Under this program all households in the United States and its territories -not only those relying on OTA television, are eligible for the coupon program while an initial funding of \$990 million is available. If any of the \$510 million in additional funding is needed to meet program demand, then eligibility will be limited to OTA television households. This program allows households to request coupons from NTIA between January 1, 2008 and March

Internet, U.S. House of Representatives, to the Honorable Kevin J. Martin, Chairman, the Honorable Michael J. Copps, Commissioner, the Honorable Jonathan S. Adelstein, Commissioner, the Honorable Deborah Taylor Tate, Commissioner, and the Honorable Robert M. McDowell, Commissioner, Federal Communications Commission, received May 24, 2007.

31, 2009. NTIA will send a maximum of 2 coupons to requesting households, each worth \$40 towards the purchase of an eligible converter box from a certified consumer electronics retailer. For consumers subscribed to cable and satellite services, such converter boxes will not be necessary, unless they have other analog TV sets in their houses, receiving OTA television.³

By July 2007, cable television subscribers in Puerto Rico amounted to 287,304 households, while satellite subscribers amounted to an estimate of 241,000 households, for a total of 528,304.⁴ On the other hand, there are 1,261,325 occupied households in Puerto Rico.⁵ Assuming that these 528,304 cable television and satellite households will not need to obtain eligible converter boxes from a certified consumer electronics retailer under the DTV Converter Box Coupon Program, it would be reasonable to conclude that for more than half of all occupied households in Puerto Rico, demand for such converter boxes will likely be higher in proportion to households in the U.S. It should also be pointed out that the average income per capita of Puerto Rico households is considerably lower than the average income per capita of U.S. households.⁶ Therefore, acquiring DTV sets or subscribing to cable television or satellite services not necessarily will be feasible alternatives to a substantial number of these consumers in Puerto Rico. Such disparity could have a stronger impact on Puerto Rican consumers. Thus, educating Puerto Rican consumers with due anticipation to the deadline of February 17, 2009, seems even more critical.

In accordance with Act No. 213 of September 12, 1996, as amended,⁷ the Legislature of Puerto Rico delegated on the Board the authority to regulate the telecommunications industry and the provision of cable television franchising in Puerto Rico, provided that all its actions, regulations and determinations be guided by the

³ See NTIA's web site at <http://www.ntia.doc.gov>.

⁴ Source: Internal statistics of the Telecommunications Regulatory Board of Puerto Rico.

⁵ See Census of 2000 by the U.S. Census Bureau, Table DP-1 on Profile of General Demographic Characteristics for Puerto Rico: 2000.

⁶ According to the U.S. Census Bureau, \$12,997 was the average per capita income for Puerto Rico households in 1999, in comparison to an average per capita income of \$21,587 for U.S. households for that same period.

⁷ See Sections 265 (o) and 269h of Title 27 of the Laws of Puerto Rico Annotated, 27 L.P.R.A. §§ 265 (o) & 269h.

Federal Communications Act, the public interest, and especially by the protection of consumer rights.⁸

The task ahead of us, in terms of educating consumers on the digital transition, is monumental. Even though we acknowledge the fact that television broadcasters, consumer electronics manufacturers, consumer electronic retailers and other entities have been voluntarily engaging in outreach efforts to educate consumers, the Board deems imperative that this Commission adopts rules to lead these efforts. First and foremost, the Board endorses requiring television broadcasters to air a minimum of public service announcements (“PSAs”) to be established by the Commission. It is also appropriate that the Commission standardizes the content of such PSAs and requires that these PSAs utilize close captions. The Commission shall require PSAs to be aired at specific hours, and in particular instances, in other languages including Spanish, to reach Spanish-speaking audiences. To the Board, this initiative will probably be one of the most efficient to reach low income OTA television households. Requiring broadcast licensees to report every three months their consumer education efforts, including the time, frequency and content of PSAs aired by each station, should facilitate the Commission’s enforcement efforts and a periodic assessment of the status of all education efforts.

In the opinion of the Board, requiring MVPDs to insert periodic notices in customer bills to inform consumers about the DTV transition, and their future viewing options, is not appreciably effective for increasing public awareness and understanding of the DTV transition. A more effective method for increasing public awareness and understanding, could be a separate mailing despite the high costs associated with it. Nonetheless, the Board favors requiring them a minimum of education initiatives to be determined by the Commission (i.e. displaying consumer information on DTV transition on MVPDs’ web sites, using diverse languages like Spanish, playing pre-recorded messages to calling customers for educational purposes, while they await to be assisted for other purposes, etc.). We also favor requiring MVPDs to report every three months to the Commission, all consumer education initiatives in which they have engaged, to facilitate the Commission’s enforcement efforts and assessment of the status of all efforts made in that direction.

⁸ See 27 L.P.R.A. § 267f (f).

The Board endorses requiring consumer electronics manufacturers to include information relating to the DTV transition in diverse languages, with television receivers and related devices. In addition, the Board deems of the highest importance, requiring consumer electronics retailers participating in the DTV Converter Box Coupon Program implemented by NTIA, to report to the Commission their employee training and consumer information plans. Direct contact with customers will play a crucial role in educating people on DTV transition. Therefore, the Board further endorses the Commission's initiative to conduct spot inspections to ascertain whether such objectives are being met at stores.


The Commission should require partners identified on the Commission's DTV Web site, to provide information materials in diverse languages to community organizations in contact with hard to reach groups. Finally, the Board deems reasonable requiring the winners of the 700 MHz auction, to engage in diverse consumer outreach efforts to be determined by the Commission, in accordance with the needs that arise after periodically evaluating the status of all consumer education efforts, including providing information materials in diverse languages, to community organizations in contact with hard to reach consumer groups.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 17th day of September, 2007.

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BOARD OF PUERTO RICO**

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